

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ALABAMA STATE CONFERENCE OF
THE NAACP, *et al.*,

Plaintiffs,

v.

STEVE MARSHALL, in his official capacity
as Alabama Attorney General, *et al.*,

Defendants.

Civil Action No. 24 Civ. 420
Chief Judge R. David Proctor

**DECLARATION OF SCOTT DOUGLAS IN SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Scott Douglas, declare as follows:

1. I am the Executive Director of Greater Birmingham Ministries (“GBM”). I have served in this role since February 1993.
2. GBM is a nonpartisan, 501(c)(3) nonprofit organization founded in 1969 in response to the challenges posed by the mid-twentieth century Civil Rights movement and its transformative impact in Birmingham, Alabama, and across the United States.
3. As recently as the March 2024 presidential preference primary election, GBM effectively communicated its pro-voting message by assisting voters to apply for absentee ballot applications and ballots, including assisting eligible incarcerated voters in applying for absentee ballots.

4. In 2024 and in the future, GBM would like to continue to engage in its absentee ballot application communication with and assistance on behalf of the communities it serves in the Greater Birmingham area and across Alabama.

GBM's Mission and Viewpoints

5. GBM is a multi-faith, multi-racial, non-profit membership organization that provides emergency services to people in need and engages people to build a strong, supportive, and engaged community and to build a more just society for all people. Though GBM primarily works in Birmingham and Jefferson County, it seeks to address urgent human rights and social justice needs across Alabama. Also central to GBM's mission is increasing civic participation among historically disenfranchised communities.

6. To promote civic engagement and encourage voting in the communities it serves, GBM engages in voter education and assistance, including discussing civics with incarcerated individuals and assisting Alabamians to register to vote, restore their voting rights, and encourage them to vote, including by absentee ballot.

7. GBM engages in voter assistance to express a clear message: voting is a person's fundamental right and is the key to advancing civil and human rights in Alabama. GBM considers its voter assistance critical to effectively expressing its message that voting is a means of creating political power among historically disenfranchised communities in Alabama. GBM sees its voter assistance as contributing to Alabama's movement for civil and human rights in a state that has long oppressed communities of color. GBM also sees its voter assistance as conveying the message that voting should be equally accessible to eligible incarcerated voters.

GBM's Absentee Ballot Application Activities

8. As part of its voter assistance activities, GBM's paid staff and volunteers

communicate with and assist senior citizens, people with disabilities, shift workers, formerly incarcerated people, and eligible incarcerated voters apply for absentee ballots.

9. GBM has seven paid staff members and three current vacancies in staff positions. GBM has approximately 2,780 members who make a financial contribution to the organization. GBM also has over 100 volunteers who assist GBM in its different program areas. GBM's Board of Directors is primarily comprised of representatives of Alabama's faith communities.

10. GBM staff and volunteers primarily work in the Birmingham area, but they also communicate with and assist hopeful voters across the state, often working in Wetumpka, Tuscaloosa, St. Clair, and Springville. GBM utilizes both paid staff and volunteers to communicate its pro-voting message and assist individuals in applying for absentee ballots. Such individuals include senior citizens, people with disabilities, and current and formerly incarcerated people.

11. GBM also conducts voter registration and voter education events on sidewalks, streets, pop-up voting events, and at other public events. GBM may organize these events on its own or table at an event organized by other civic organizations in Alabama. During election season, GBM may hold pop-up events several times a week. During these events, GBM will encourage eligible voters to vote by absentee ballot and provide absentee ballot application assistance to voters who request assistance. As part of their encouragement and assistance, GBM staff and volunteers will ensure that the voter is (1) *eligible* to vote absentee and (2) *able* to apply for an absentee ballot. GBM ensures that a person is able to apply for an absentee ballot by providing that voter with a copy of the application, pen, envelope, and stamp to ensure that the person can fill out the application and send it to their county's Absentee Election Manager. For example, GBM held a community event to educate people on absentee voting in 2020, encourage eligible individuals to vote by absentee ballot, and to assist attendees with absentee ballot applications.

This event was open to the public and allowed GBM to spread its message about the importance of voting and voting absentee.

12. GBM will inform the individual about absentee voting in Alabama, print the absentee ballot application for the individual, provide a pen to assist the individual in filling out the form, provide an envelope for voters to mail the application, and provide postage for the voter to send the application. GBM staff and volunteers spend time reviewing the application to ensure that all required boxes are marked correctly and completely. GBM pays for the envelope, pens, and postage that it provides to individuals that it assists in applying for absentee ballots, as well as the paper and printer for printing the applications.

13. GBM hands out snacks, branded pens, and sometimes t-shirts when its staff and volunteers encourage and assist voters in applying for absentee ballots. GBM provides its volunteers with pens, paper, t-shirts, gas stipends, and food when they participate in voter registration and civic education drives. GBM pays for all of the supplies that it gives its volunteers when those volunteers assist individuals in applying for absentee ballots.

14. Senior citizens, people with disabilities, and others in need come to GBM for food, financial assistance, and clothing assistance. GBM conducts a free clothing distribution twice per week and organizes food distribution twice per month to assist those in need in the Greater Birmingham area. GBM also provides financial assistance once a month, which sometimes leads to questions about voting. GBM will discuss and encourage absentee voting in Alabama—including by providing absentee ballot application assistance to eligible people—when they come to GBM for these other resources.

15. GBM also provides free materials acquired through donations that are needed by these individuals for their health and well-being, including medical devices such as oxygen

machines and other items such as walkers, wheelchairs, and compression socks. GBM also provides referrals to other organizations for other necessary sources. During these interactions, GBM has discussed and encouraged voting by absentee ballot with individuals and assisted these individuals with absentee ballot applications, which they require because of health and/or mobility issues.

16. GBM specifically works to reach voters across the state who have past felony convictions to register them to vote, if eligible, or to assist them in restoring their voting rights. Once a person with a past felony conviction is registered to vote, GBM will inform them about absentee voting in Alabama and assist that person in applying for an absentee ballot, if they request that assistance. Assisting these voters is a critical part of GBM's work to encourage voting among every eligible individual; in GBM's experience, many people mistakenly believe that any felony conviction is a bar to voting, contrary to Alabama law.

17. GBM holds voter registration events around the state where they also discuss absentee voting and assist with absentee ballot applications on behalf of formerly incarcerated individuals. These events include second chance job fairs, expungement clinics, drug court, and tabling on sidewalks outside of ABPP field offices. At these events, GBM provides absentee ballot applications, as well as other provisions to help assist individuals with filling out those applications, including a pen, envelope, and postage. At these events, GBM volunteers often wear GBM-branded t-shirts that we provide to volunteers.

18. GBM also works with students from the University of Alabama on a program called Return My Vote ("RMV") to help register and assist voters with prior felony convictions in applying for absentee ballots. Together, GBM and RMV encourage voting and distribute voter registration applications, absentee ballot applications, and Certification of Eligibility to Register

to Vote (“CERV”) applications. GBM and RMV then help individuals fill out these applications and provide postage. GBM also has a hotline where people make calls to inquire about voter assistance and eligibility.

19. GBM regularly does this re-entry voting work in partnership with other civic organizations, including the League of Women Voters of Alabama, Faith in Action Alabama, the NAACP, and others. These partnerships are one way that GBM associates with other organizations in order to amplify shared values of promoting equal participation in democracy and share their pro-voting message.

20. GBM encourages voting and provides assistance to eligible individuals incarcerated in Julia Tutwiler Prison for Women (“Tutwiler”) and St. Clair Correctional Facility (“St. Clair”), as well as Birmingham County and City Jails. GBM assists those incarcerated individuals in voter registration, voting rights restoration, and absentee ballot application assistance. GBM visits Tutwiler once or twice per month to encourage democratic participation and distribute absentee ballot applications and CERV applications. GBM successfully assisted 10 women in submitting applications for absentee ballots for the March 2024 presidential primary election.

21. GBM seeks to expand its prison voting work across Alabama in 2024 and beyond, fostering relationships in other prisons and expanding its voter education and assistance programs in Tutwiler and St. Clair. For example, GBM participated in a job fair at the Bibb Correctional Facility job fair on April 25, 2024. GBM provided information about voter restoration and registration, but could not discuss absentee options because of SB 1.

22. Without our encouragement and assistance, many voters would be unable to apply for absentee ballots. In particular, we are often the primary people that incarcerated voters have

assisting them with their absentee ballot applications. Because incarcerated voters are *only* able to vote by absentee ballot (Alabama does not provide jail- or prison-based voting sites), such voters have considered our absentee ballot application assistance a lifeline to exercising their right to vote. Likewise, many voters with disabilities cannot vote without someone assisting them in filling out and submitting the application. Many voters with disabilities who come to GBM for full-service assistance also choose to have GBM assist them with their absentee ballot applications. Now in its 55th year, GBM is well-known and greatly respected by Alabamians for its voting work, and seek us out for our assistance.

23. GBM performs this work as a part of its larger organizational mission to promote civil rights in Alabama. GBM considers absentee ballot application assistance to be a public expression of its core value that voting is the key to advancing civil rights.

SB 1's Effect on GBM's Voter Assistance Activities

24. As a result of SB 1, GBM does not know which of its absentee ballot application assistance communications and activities are lawful and which are not. This has prevented GBM from being able to effectively plan its get-out-the-vote and public education events ahead of the November 2024 general election. GBM staff and members, including myself, feel threatened by the risk of criminal prosecution simply for helping voters lawfully apply for absentee ballots.

25. GBM has begun diverting time to understand which communications and activities are lawful because GBM does not want to expose its staff, interns, and volunteers to possible criminal prosecution. This has included spending hours reviewing SB 1 and its amendments, listening to and attending legislative hearings, spending time meeting with coalition partners to discuss SB1, and more. GBM has been forced to spend considerable time creating alternative plans for its voting work inside correctional facilities, which has been a major programmatic priority.

GBM had been planning for over two years to ramp up its work inside jails and prisons across Alabama to encourage and assist eligible individuals with absentee voting. To this end, GBM was awarded a grant in September 2023 to support this programming, which GBM began earlier this year in Tutwiler. GBM can no longer proceed with plans to train volunteers on absentee ballot assistance, including a law student whose summer externship was intended to include work inside Tutwiler encouraging and assisting eligible voters to request absentee ballots. GBM cannot risk exposing student volunteers to felony prosecution under SB 1. GBM wants to assist Alabamians with applying for absentee ballot applications and with casting absentee ballots successfully in the November 2024 general election, as well as in future elections. GBM particularly wishes to provide this assistance for the eligible incarcerated voters it encourages to participate in the democratic process—who can only vote via absentee mail ballot—but SB 1 threatens GBM’s ability to do this work. GBM staff and volunteers have a bona fide fear that they will be prosecuted for their absentee ballot application assistance to Alabamians.

26. GBM received a grant to conduct absentee voter registration at Tutwiler Prison and encourage democratic participation, and GBM assisted incarcerated voters in applying for absentee ballots before the 2024 presidential primary election. GBM would like to continue this work in advance of the November 2024 general election as well. SB 1, however, threatens GBM’s ability to achieve grant objectives (as well as the grant funder) by threatening its staff and volunteers with felony prosecution if they assist eligible incarcerated individuals with absentee ballot applications and voting.

27. GBM hopes to expand their work encouraging and assisting eligible incarcerated voters to apply for absentee ballots, both by adding more staff and by expanding the project to other correctional facilities, including St. Clair Prison, the Bibb Correctional Facility, and federal

prisons. As noted, for incarcerated individuals who are eligible to vote, their only option is to vote by absentee ballot. These individuals cannot complete the absentee ballot application process without the assistance of a third party (such as a GBM employee or volunteer) who prints the application, provides the pen needed to fill out the application, provides the envelope required to mail the application, and provides the postage required to mail the application. It is even possible that prison or jail officials and chaplains could face liability from providing application assistance for eligible incarcerated voters since they receive a salary to do their work. In the past, GBM has filled a critical gap by ensuring that eligible incarcerated voters can vote by registering for an absentee ballot. Now this assistance risks criminal prosecution of GBM staff and volunteers under SB 1. And if GBM or other similar organizations do not assist incarcerated voters with absentee ballots, those individuals will be unable to exercise their fundamental right to vote.

28. SB 1 has already impacted our ability to encourage and assist eligible voters with applying for absentee ballots and to educate the public on voting. GBM no longer brings absentee ballot applications into Tutwiler Prison, which means that GBM staff and volunteers are unable to assist eligible incarcerated voters apply to vote absentee. GBM recently held a training in Mobile in April 2024 for voting rights restoration and voter registration advocates and community members, but could not include information on absentee ballot application assistance because SB 1 does not clearly state what communication and assistance is lawful and we do not want to risk misinforming the public.

29. GBM creates and distributes election guides that include information on applying for and voting by absentee ballot. Because of SB 1, GBM has held off on distributing its 2024 guides in case the information regarding absentee ballot assistance is incorrect. GBM does not,

itself, understand what activities are criminalized under SB1, and does not want others prosecuted because of its educational materials.

30. GBM also engages in online civic education through our Power of Participation workshops. These modules include information on applying for and voting by absentee ballot. Prior to SB 1, GBM partnered with the Birmingham Municipal Court to offer civic education training online, which allowed participants to receive community service hours that counted towards requirements from their criminal cases. Due to SB 1, GBM does not plan to restart this program because it does not have the time, resources, or clarity on the law to amend its modules.

31. GBM has recruited new members at our voting events in the past. Members of the public often express an interest in becoming more involved with GBM's work and helping with future events. GBM has many volunteers who are not members (because they did not make a financial contribution), but instead help GBM occasionally. SB 1 will limit GBM's ability to recruit new volunteers and may lead current volunteers to quit because they fear felony prosecution.

32. SB 1 has restricted GBM's mission of registering people to vote, encouraging their participation, and assisting them in being able to cast a ballot on Election Day. Our constituents with disabilities, in particular, will be affected by SB 1 because they are unable to submit their absentee ballot applications without our assistance. There is an assisted living facility across the street from GBM's office; in the past, GBM had spoken with staff at the facility about assisting residents with applying for absentee ballots. Because of SB 1, GBM is unable to reach out to and assist these individuals.

33. SB 1 is an enormous obstacle for GBM's work and greatly reduces our ability to effectively convey our pro-voting message. Our staff, volunteers, and board members do not

understand whether they can continue to communicate with voters about applying for absentee ballots and assist them to do so, and whether they will be prosecuted for their actions if they do engage in such communication and assistance. .

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 02, 2024 in Birmingham, Alabama.

A handwritten signature in black ink, appearing to read "Scott Douglas", is written above a horizontal line.

Scott Douglas